

EXHIBIT E

JENNER & BLOCK

August 13, 2012

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Chicago
Los Angeles
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VIA ELECTRONIC MAIL

All Defendants' Counsel

Stephen Brown
Tel 312 840-7282
Fax 312 840-7382
stephenbrown@jenner.com

Re: *Processed Egg Products Antitrust Litigation* (MDL 2002)

Counsel:

I send this letter to confirm that the document production by Kraft Plaintiffs (Kraft Foods Global, Inc., The Kellogg Company, General Mills, Inc., and Nestlé USA, Inc.) will be made, consistent with agreements outlined in the attached August 1, 2012 Letter from Stephen Neuwirth to all Defendants' Counsel, as follows. First, Kraft Plaintiffs will produce documents (other than transactional data) for the period from January 1, 1999 through December 31, 2008. Second, document production will be made using the agreed-upon search terms, which are attached to this letter. Third, although this was not expressly decided during the parties' July 19 meet and confer, deduplication will be conducted horizontally.

Absent hearing from any Defendant by Thursday, August 16, 2012, we will assume that this is acceptable and proceed accordingly.

Sincerely,

/s/ Stephen Brown
Stephen Brown

Attachments

cc: Direct Action Plaintiffs' Counsel

quinn emanuel trial lawyers | los angeles

865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543 | TEL: (213) 443-3000 FAX: (213) 443-3100

WRITER'S DIRECT DIAL NO.
(212) 849-7165

WRITER'S INTERNET ADDRESS
stephennewirth@quinnemanuel.com

August 1, 2012

VIA ELECTRONIC MAIL

All Defendants' Counsel

Re: *In re Processed Eggs Antitrust Litigation*

Dear Counsel:

I write on behalf of direct purchaser class plaintiffs ("DPPs") to correct an inadvertent error in my letter to you of July 30, 2012 concerning Defendants' responses and objections to DPPs' First Requests for Production ("RFPs"). The first sentence of the second paragraph of Section I titled "Time Periods" should have read as follows:

It was also agreed that documents (other than transactional data) will be produced for the period from **January 1, 1999** through December 31, 2008, but any party may make targeted requests for documents created after December 31, 2008, and such targeted requests will be reasonably considered by the party receiving the requests. (emphasis added).

I attach hereto a revised letter with the correction implemented for your convenience. Should you have any questions, please feel free to contact me.

quinn emanuel urquhart & sullivan, llp

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SAN FRANCISCO | 50 California Street, 22nd Floor, San Francisco, California 94111-4788 | TEL (415) 875-6600 FAX (415) 875-6700

SILICON VALLEY | 555 Twin Dolphin Drive, 5th Floor, Redwood Shores, California 94065-2139 | TEL (650) 801-5000 FAX (650) 801-5100

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MOSCOW | Paveletskaya Plaza, Paveletskaya Square, 2/3, 115054 Moscow, Russia | TEL +7 499 277 1000 FAX +7 499 277 1001

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Very truly yours,

/s/ Steve Neuwirth

Stephen R. Neuwirth

cc: Ronald Aranoff
James Pizzirusso
Direct Purchaser Plaintiffs' Co-Lead Counsel

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WRITER'S INTERNET ADDRESS
stephennewirth@quinnemanuel.com

July 30, 2012 [CORRECTED August 1, 2012]

VIA ELECTRONIC MAIL

All Defendants' Counsel

Re: *In re Processed Eggs Antitrust Litigation*

Dear Counsel:

I write on behalf of direct purchaser class plaintiffs ("DPPs") to memorialize our meeting on July 19, 2012, where we conferred concerning Defendants' responses and objections to DPPs' First Requests for Production ("RFPs").

It was agreed that the understandings reached at the meet and confer are all subject to approval by the respective Defendants as well as by Plaintiffs' co-lead counsel. Please let us know promptly, and in any event by no later than August 10, 2012, if any Defendant has not approved the understandings outlined in this letter.

We also discussed that agreements on time period and scope will be reciprocal, to the extent Defendants have asked the DPPs to provide similar information.

I. Time Periods

It was agreed that both Defendants and the DPPs will produce transactional data, to the extent it exists and is reasonably accessible, covering the period from January 1, 1997 through December 31, 2011. DPPs also indicated that to the extent it is alleged that the conspiracy is ongoing, DPPs may also need transactional data up to and including the date of trial. Without taking a position, Defendants acknowledged that this could become an issue.

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SILICON VALLEY | 555 Twin Dolphin Drive, 5th Floor, Redwood Shores, California 94065-2139 | TEL (650) 801-5000 FAX (650) 801-5100
CHICAGO | 500 W. Madison Street, Suite 2450, Chicago, Illinois 60661-2510 | TEL (312) 705-7400 FAX (312) 705-7401
WASHINGTON, DC | 1299 Pennsylvania Avenue NW, Suite 825, Washington, District of Columbia 20004-2400 | TEL (202) 538-8000 FAX (202) 538-8100
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MANNHEIM | Mollstraße 42, 68165 Mannheim, Germany | TEL +49 621 43298 6000 FAX +49 621 43298 6100
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It was also agreed that documents (other than transactional data) will be produced for the period from January 1, 1999 through December 31, 2008, but any party may make targeted requests for documents created after December 31, 2008, and such targeted requests will be reasonably considered by the party receiving the requests. Defendants noted that the Court has not required any preservation of documents beyond December 31, 2008.

II. Search Methodology and Custodians

The parties agreed that Defendants' production will be made using the search terms and custodian lists, and any other sources, as previously agreed. Defendants confirmed that if responsive documents (including ESI and hard copies) are known to be located in a particular location or file beyond the scope of the agreed custodian files and other sources, those responsive documents also will be collected and produced.

III. Trade Associations

It was agreed that the parties will produce any trade association documents concerning or related to the topics of animal welfare, animal husbandry, pricing of eggs or egg products, supply of eggs or egg products, demand for eggs or egg products, or exports of eggs or egg products (together, the "Litigation Topics"). The searches will not be limited solely to the United Egg Producers (UEP), United Egg Association (UEA) and United States Egg Marketers (USEM).

IV. Deduplication

Deduplication will be conducted in accordance with agreements reached by the parties in 2011. There was some confusion about the nature of those agreements and the parties agreed to examine the previous correspondence on these issues.

V. General Objection to Formulaic Terminology

Defendants clarified that, except to the extent a general objection is meant to embody an agreement reached with the DPPs (*e.g.*, on time period of discovery, custodians, etc.), or to the extent a document is held on the basis of a privilege, Defendants do not plan to withhold any documents solely on the basis of their general objections to the RFPs.

VI. Specific Objections

RFP 30: Defendants agreed that all information relating to cost data (for this and any other RFP involving cost data) will be produced as long as it exists and is reasonably accessible. Defendants agreed to provide to DPPs within 45 days, or by Monday, September 3, 2012, a written description of what data they each will be providing. It was agreed that with respect to RFP 30(m), Defendants are only being asked to produce contracts if they contain requested cost information that is not otherwise being produced through data or other documents.

RFP 31: Michael Foods will communicate separately with the DPPs about whether and to what extent it will maintain its specific objections in response to this request.

RFP 40: DPPs explained that the phrase “price-protection program” was inartfully worded, and that DPPs seek documents discussing the extent to which circumstances (e.g., long term contracts) would affect or constrain Defendants' ability to raise prices. Defendants agreed that such documents will be produced.

RFPs 50-52: All Defendants except for Michael Foods did not object to producing responsive documents concerning or related to the Litigation Topics (as defined above). Michael Foods will separately advise DPPs if it will similarly agree to do so.

RFP 68: All Defendants except for Rose Acre did not object to producing responsive documents concerning or related to the Litigation Topics (as defined above). Rose Acre will review this request and advise DPPs if it will similarly agree to do so.

RFPs concerning the Capper-Volstead Act and other affirmative defenses: Defendants confirmed that they will produce all non-privileged documents concerning or related to the Capper-Volstead Act and other affirmative defenses.

RFPs concerning exports of eggs or eggs products: Michael Foods explained that it objected to these requests because it maintains foreign operations that should be treated as beyond the scope of the litigation. DPPs explained that while foreign sales of eggs or egg products produced in a foreign country generally would not be relevant, what would be relevant is information about conditions or prices in foreign markets where Defendants exported eggs during the relevant period – particularly given the contested allegations that Defendants dumped eggs into foreign markets with prices or conditions less favorable than those concurrently prevailing in the United States. Michael Foods will consider DPPs position and separately advise DPPs whether Michael Foods will produce documents bearing on those issues.

VII. Production Facilities

DPPs clarified for purposes of these requests that the term "production facilities" refers to nothing more than facilities where eggs or egg products are produced, regardless of the extent to which a company is vertically integrated. Thus, an egg laying facility would be a "production facility."

VIII. Publicly Available Documents

Defendants agreed that any responsive documents within Defendants' possession and identified through the agreed procedures will be produced, even if the documents are otherwise publicly available.

IX. Back Up Tapes and Other Back-Up Media

It was agreed by the DPPs and all Defendants other than Rose Acre that (a) Defendants need not search back-up tapes or back-up media at this time – except to the extent a Defendant may have switched during the class period to a new system so that portions of the relevant documents are technically stored in "backup" files – and (b) DPPs are not waiving the right to make targeted requests in the future, after review of Defendants' productions, for information that may be

stored on back-up tapes or other back-up media, and Defendants will not object to any such subsequent request on the ground that DPPs waited too long to make the request. Furthermore, Defendants will not destroy or write over any relevant backup files in the meantime. Rose Acre's stated position was that DPPs should promptly make any requests for materials from back-up tapes/media – but Rose Acre agreed to consider its position and will report whether it is prepared to proceed on the same terms agreed by the DPPs and the other Defendants.

* * *

Please let us know at your earliest convenience if you believe any of the foregoing is inaccurate or incomplete.

Very truly yours,

/s/ Steve Neuwirth

Stephen R. Neuwirth

cc: Ronald Aranoff
James Pizzirusso
Direct Purchaser Plaintiffs' Co-Lead Counsel

DAP Agreed Final Search Terms**7/23/12**

4grain.com
albumen
"animal care"
"animal care certified"
ACC w/10 eggs
"animal welfare"
(atkin or atkins) w/10 (diet or protein)
avolof@aol.com
"benton county"
"Cage Space"
Cal-Maine
"Cal Maine"
calmaine
Calmainefoods.com
Calmainefoods.net
Capper w/5 volstead
capper-volstead
"chick hatch"
CMF
Cmfoods.com
crystal w/15 (egg or eggs or farm or farms)
Crystalfarms.com
Daybreak
Daybreakfoods.com
"Don Bell"
egg*
"egg clearinghouse"
ECI
"Egg Industry Magazine"
"Ethical Treatment of Animals"
Feedstuffs
fortinj@99main.com
gemperle.com
g_greg@mindspring.com
"Golden Oval"
Goodegg.com
"green forest"
Hillandale
Hillandalefarms.com
Hillendale
HSUS
"Humane Society"
Husbandry
joefortin@99main.com
jswest.com
(ken or kenneth or kenny) w/2 Klippen

DAP Agreed Final Search Terms**7/23/12**

kklippen@aol.com
"land o' lakes"
Landolakes.com
"michael foods"
Michaelfoods.com
"midwest poultry"
Midwestpoultry.com
Moark
Moarkllc.com
moark.net
molt*
mpslp.com
mwmlaw.com
Mwpoultry.com
"National Council of Chain Restaurants"
"national food"
Natlfood.com
NCCR
nearbyeggs@msn.com
netins.net
Norco
norcoeggs.com
Nucal
Nucalfoods.com
"Ohio Fresh"
papetti.com
paul_sauder@eggs.net
PETA
(Pilgrim or Pilgrims) w/2 Pride
"Process Verified Program"
PVP w/5 eggs
Pullet*
PVP
"rose acre"
roseacre.com
sauder
Saudereggs.com
"Scientific Advisory Committee"
shell w/15 (egg* or chicken*)
"smith farms"
"south texas"
"southern equipment distributors"
sparboe
Sparboe.com
"tampa farms"
Trilogy.com

DAP Agreed Final Search Terms

7/23/12

tweaverwbi@embarqmail.com
UEA
"United Egg Association"
UEP
uep.com
unitedegg.com
unitedegg.org
"United Egg Producers"
"united voices"
"urner barry"
UB
USEM
"United States Egg Marketers"
vffi.com
video201@aol.com
"Weaver Bros"
"Weaver Brothers"
Weavereggs.com
Yolk
zephyr

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